

Testimony of the Sexual Assault Crisis Service of YWCA New Britain  
**IN SUPPORT OF HB 6641 AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS  
WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY  
IMPAIRED AND HB 6664 AN ACT CONCERNING RESTRAINING ORDERS.**

Mary DeLucia, Campus Advocate  
Judiciary Committee, March 25, 2013

Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee, my name is Mary DeLucia and I am the campus advocate for the Sexual Assault Crisis Service of YWCA New Britain (SACS), which is a crisis counseling and advocacy center for survivors of sexual assault for the Hartford county and part of the Tolland county areas. I am writing in support of HB 6641 AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY IMPAIRED. I am also in support of HB 6664 AN ACT CONCERNING RESTRAINING ORDERS.

I have been a sexual assault crisis counselor-advocate for many years now, and have worked with survivors who have disabilities as well as with survivors who do not have disabilities. The majority - if not all - of the survivors I have worked with did not fight their attacker when their verbal "No" was not listened to. Sexual assault is a crime of power and control; it is about forcing or coercing someone to give up their power over their own body. HB 6641 will more clearly define someone being "physically helpless" as someone who is conscious but unable to resist or communicate their unwillingness to submit to a sexual act. This adjustment to the already existent bill is much needed to hold sex offenders criminally accountable. People with disabilities are twice as likely to be sexually assaulted than people without disabilities and the law needs to sufficiently defend their rights to a violence-free life. Our consent law of "No means No" is not enough to protect people who do not have the ability to speak or otherwise resist to sexual acts due to physical or developmental restrictions. Not to mention, having physical and developmental disabilities makes someone more vulnerable to abuse because they are more reliant on others. I cannot count how many times I have heard of someone sexually assaulted by either another patient or a staff member of an institution that was supposed to be helping them. Since sexual assault is about power and control it is too easy for an offender to sexually assault someone who is physically or developmentally disabled because they can easily overpower them, especially with this law the way it is written currently.

An example of the dire need for HB 6641 to be passed is seen in the 2012 case of the State of Connecticut versus Richard Fourtin. This case had a conviction for sexual assault overturned because even though the survivor lacked the ability to speak and was paraplegic; she did not scratch, kick, or fight her assailant, so they could not prove that she did not consent. During a sexual assault, the fear that survivors are feeling puts them in a frozen state where they cannot flee, fight, or do anything but survive the assault. A sexual assault offender wants control over the survivor regardless of fighting back, and in many cases it may actually be safer for the survivor to refrain from fighting their attacker. It is unacceptable to allow the sex offender to be vindicated with this heinous crime simply by saying it was a consensual act because the survivor was not "physically helpless" and could have fought back. If this same disabled survivor was instead the victim of a mugging, would we be asking her why she did not fight her mugger before giving them her wallet? Most likely, we would not.

I strongly urge the committee to support HB 6641. Advocates of sexual assault centers have been trying to pass HB 6641 for four years, and though we do not have any organized opposition to it, it still has not passed. This is a good bill that closes a loophole that has existed for too long and already

let at least two offenders off with raping someone. Even when saying "No" to an assault, victims rarely engage in physical combat with their attackers; if someone is not able to communicate their resistance to consent due to physical or developmental restrictions, it is still illegal if the initiator does not get permission to continue any sexual contact. By passing HB 6641 we can help stop the victim blaming of sexual assault and instead focus on holding the sex offenders criminally accountable. HB 6641 will help empower survivors to have the strength to come forward and report the crime. Right now it is a well known fact that rape is the least reported and convicted crime in the United States. A main reason for a survivor to not report the assault is their concern that they will not be believed. The survivor in the 2012 case previously mentioned made a criminal report of the assault that happened to her and the court did not believe her. Just because she did not say "No" does not mean she said "Yes". We need to acknowledge that sexual violence is a crime of power and control and actually hold offenders accountable for their actions. It is never the survivor's fault; we need to have our laws stop blaming them. By passing HB 6641 we can do just that.

I also strongly urge the committee to pass HB 6664, because a lot of sex offenders are getting away with rape and sexual assault and still tormenting the survivor by constant contact, simply because the survivor was never in a relationship with them and is not a family/ household member. Every time a survivor has to have any contact with their assailant it is a form of re-victimization. So many times I have had to tell survivors: "We can try to get a restraining order, but due to your current relationship to the offender, we might not get it". Currently, 17 states offer civil orders of protection to sexual violence survivors, please, let's make Connecticut number 18. By passing HB 6664 and allowing for all survivors of sexual violence to obtain civil restraining orders, you will be helping them feel safer and empowering them to move on and heal themselves from the trauma.

Thank you for taking the time to read this.

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